



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,705	05/17/2001	Michael Kai-Yin Au	YOR920000770US1	3974
7590	05/18/2006		EXAMINER LANEAU, RONALD	
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,705

Applicant(s)

AU ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 32-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. In view of the decision in the pre-appeal brief held on 12/27/05, prosecution of this application is reopened and claims 1-15 and 32-46 are remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11-15, 32-39 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westrope et al (US 5,968,110) in view of Kennedy (US 6,167,380).

As per claims 1, 3, 8, 11-15, 32-35 and 42-46, Westrope et al teach a method in a primary data processing system for managing a catalog (fig. 5, catalog data processor 67), method comprising: sending a catalog and user information to a plurality of secondary data processing system located in a network data processing system (marketing data processor 75, accounting processor 73); receiving an order from one of the plurality of secondary data processing systems and processing the order, in response to receiving the order (fig. 5, 43). Westrope does not explicitly disclose allocating the inventory but Kennedy discloses for allocating products to sellers, for managing available to promise (ATP) and making promises to fulfill customer requests

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the allocation of products as taught by Kennedy into the data processing as

Art Unit: 3627

taught by Westrope because it would provide an automatic allocation policy that allows the organization to designate a forecast entry such that the available-to-promise (ATP) product is always zero (col. 3, lines 18-21).

As per claim 2, Westrope discloses a system that sends an update to the catalog to the plurality of secondary data processing systems as claimed (col. 9, line 66 to col. 10, line 3).

As per claims 6, 7, 38, and 39, Westrope discloses a system that is capable of providing a shopping card data (items ordered by the user are stored in a safe place) from the secondary data processing system as claimed.

As per claims 4, 5, 36 and 37, neither Westrope nor Kennedy discloses allocation of the inventory upon a detection of a condition which is a threshold but it is well known to set a condition when determining whether or not an inventory is necessary because it would help determining the location of missing products, the examiner takes Official notice as such.

6. Claims 9, 10, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westrope et al (US 5,721,832) in view of Yamazoe et al (US 2001/0032148).

As per claims 9, 10, 40 and 41, neither Westrope nor Kennedy discloses a catalog that is sent in a markup language and wherein the markup language is extensible markup language but Yamazoe discloses an application service on a network having a WWW (World Wide Web) voluntarily managed by the selling enterprise through the use of the XML (extensible markup language).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the allocation of products as taught by Kennedy into the data processing as

Art Unit: 3627

taught by Westrope because it would provide an automatic allocation policy that allows the organization to designate a forecast entry such that the available-to-promise (ATP) product is always zero (col. 3, lines 18-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the extensible markup language (XML format) taught by Yamazoe et al into the combined system of Westrope and Kennedy because it would ensure a safe transmission of the information or document through a network.

Response to Arguments

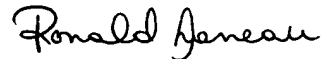
4. Applicant's arguments with respect to claims 1-15 and 32-46 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau
Examiner
Art Unit 3627

5/13/06

rl